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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,622	09/12/2003	Yasufumi Tanaami	03560.003362	6143
5514	7590	04/06/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LIANG, LEONARD S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

E4

Office Action Summary	Application No.	Applicant(s)
	10/660,622	TANAAMI ET AL.
	Examiner	Art Unit
	Leonard S. Liang	2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 and 19-22 is/are rejected.
- 7) Claim(s) 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because page 13, line 21 labels reference 800c as “right side”, but figure 3, labels reference 800c as “LED”. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 703. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 discloses a recording apparatus with an “R-shaped surface”. However, the examiner is confused as to what constitutes an “R-shaped surface”. In the figures, the surface referred to by the applicant as having an R-shaped surface (reference 800a), looks nothing like an R. Based on the examiner’s understanding of the applicant’s specification, the R-shaped surface is nothing more than a curved surface that allows the holding of the printer with hands. However, the examiner is unclear why this curved surface is referred to as an “R-shaped surface”, especially when it is not at all shaped like an R. It is difficult for the examiner to properly examine the claims without being clear of the scope and definition of what constitutes an “R-shaped surface”. The examiner requests that the applicant more specifically define what is meant by an R-shaped surface and how reference 800a can be construed to be an R-shaped surface when it is not shaped like an R. Claims 6-14 are dependent on rejected claim 5.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

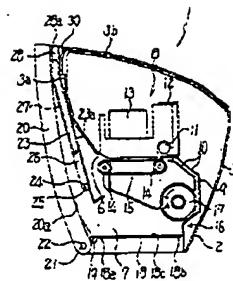
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Katsuyama (US Pat 6848685).

Katsuyama discloses:

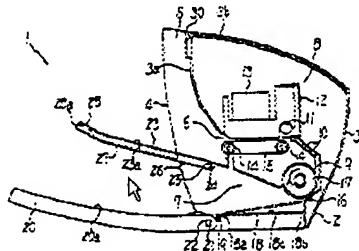
- {claim 1} A recording apparatus (figure 4); a main housing that comprises a supply opening for supplying a recording medium to be subjected to recording by recording means into a main body, and a discharge opening from which the recording medium is discharged outside of the apparatus (figure 4, reference 2, 6, 7); a first openable/closable cover member for covering the supply opening (figure 4, reference 20); a second openable/closable cover member for covering the discharge opening (figure 4, reference 23); wherein, when the first cover member is opened, the second cover member is opened by being linked with the first cover member, and when the first cover member and the second cover member are closed, an end portion of the first cover member and an end portion of the second cover member face each other (figure 3-4; abstract)

FIG.3



- {claim 2} wherein rotation of each of the first cover member and the second cover member is limited by a stopper member (figure 4, reference 22, 25)

FIG. 4



- {claim 3} wherein a stop position where the second cover member stops by limitation of rotation by the stop member is a position where the second cover member does not contact a surface of installation when the recording apparatus is installed in a state of use (figure 4, reference 23)

Claims 15-17, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Agata et al (US Pat 5443320).

Agata et al discloses:

- {claim 15} A sheet processing apparatus (figure 3); a supply opening for supplying a sheet into a main body (figure 3, reference 40); a discharge opening for discharging the sheet subjected to processing within the main body outside of the apparatus (figure 3, reference 50); a first openable/closable cover member for covering the supply opening; a second openable/closable cover member for covering the discharge opening (figure 3, reference 10, 200); connection means for maintaining, when both of the first cover member and the second cover member are closed, a state in which the first cover member and the second cover member are closed by connecting the first cover member and the second cover member (figure 1, reference 10, 200)
- {claim 16} wherein the supply opening is disposed at an upper surface of a main body, wherein the discharge opening is disposed at one side of the main body, wherein the supply opening is rotatable around a first rotation center disposed on the upper surface of the main body, wherein the discharge opening is rotatable around a second rotation center disposed at a side of the main body (figure 3, reference 40, 50; when figure 3 is rotated in an orientation shape where paper entrance 40 is on top); and wherein, when both of the first cover member and the second cover member are closed, an end portion of the first cover member and an end portion of the second cover member face each other at the side (figure 1)
- {claim 17} wherein the connection member comprises a first engaging portion provided at an end portion of the first cover member, and a second engaging

portion provided at the second cover member and engageable with the first engaging portion (figure 1)

- {claim 19} further comprising opening means for opening the second cover member when engagement between the first engaging portion and the second engaging portion is detached (figure 3)
- {claim 21} wherein the sheet processing apparatus performs recording on a sheet supplied from the supply opening using recording means, and discharges the sheet on which the recording has been performed from the discharge opening (column 2, lines 30-40)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama (US Pat 6848685) in view of Saito et al (US Pat 5423529).

Katsuyama discloses a recording apparatus (as applied to claims 1-3 above).

Katsuyama differs from the claimed invention in that it does not disclose wherein one of the first cover and the second cover member comprises a magnetic material, and another one of the first cover member and the second cover member comprises a metal member at a position corresponding to the magnetic material, and wherein the first cover member and the second

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cover member are closed in a state in which the metal member is attracted by the magnetic material.

Saitio et al discloses magnetic linking (figure 2, reference 16, 18; column 3, lines 11-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Saito et al into the invention of Katsuyama. The motivation for the skilled artisan in doing so is to gain the benefit of providing a secure fastening means to keep the printer in a tight compact form when in the closed position. The combination naturally suggests wherein one of the first cover and the second cover member comprises a magnetic material, and another one of the first cover member and the second cover member comprises a metal member at a position corresponding to the magnetic material, and wherein the first cover member and the second cover member are closed in a state in which the metal member is attracted by the magnetic material.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agata et al (US Pat 5443320) in view of Saito et al (US Pat 5423529).

Agata et al discloses a sheet processing apparatus (as applied to claim 15).

Agata et al differs from the claimed invention in that it does not disclose wherein the connection means comprises a magnetic material provided at one of the first cover member and the second cover member, and a metal member provided at another one of the first cover member and the second cover member, and connects the first cover member and the second cover member by attraction of the metal member by the magnetic material.

Saito et al discloses magnetic linking (figure 2, reference 16, 18; column 3, lines 11-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Saito et al into the invention of Agata et al. The motivation for the skilled artisan in doing so is to gain the benefit of providing a secure fastening means to keep the printer in a tight compact form when in the closed position. The combination naturally suggests wherein the connection means comprises a magnetic material provided at one of the first cover member and the second cover member, and a metal member provided at another one of the first cover member and the second cover member, and connects the first cover member and the second cover member by attraction of the metal member by the magnetic material.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agata et al (US Pat 5443320) in view of Katsuyama (US Pat 6848685).

Agata et al discloses a sheet processing apparatus (as applied to claim 21 above).

Agata et al differs from the claimed invention in that it does not disclose wherein the recording means comprises an ink-jet recording head.

Katsuyama discloses wherein the recording means comprises an ink-jet recording head.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Katsuyama into the invention of Agata et al. The motivation for the skilled artisan in doing so is to gain the benefit of providing a cost-effective and reliable means of printing.

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Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 discloses "wherein, when engagement between the first engaging portion and the second engaging portion is detached, the second cover member opens by its own weight," which was not found, taught, or disclosed in the prior arts.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mosgrove et al (US Pat 6317313) discloses a case and cover for an electronic device.

Woods (US Pat 4703953) discloses a note paper dispensing and record retaining device.

Chosa (US Pat 5831656) discloses a compact recording apparatus with efficient space utilization.

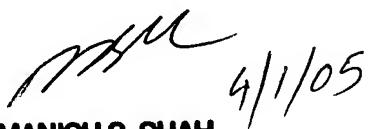
Goto et al (JP Pat 2001356539A) discloses an opening/closing device and image forming device equipped therewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S. Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MANISH S. SHAH
PRIMARY EXAMINER